(45)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 2165 OF 1992

PETITIONERS	1.	Amarbahadur Singh, Son of Shivmangal Singh,
	2.	Lalbahadur Singh, Son of Shivmangal Singh,
	3.	Samarbahadur Singh Son of Shivmangal Singh,
	4.	Raghuraj Singh, Son of Ayodhyapratap Singh:
	5.	Samayraj Singh; Son of Ayodhyapratap Singh
	6.	Samaypratap Singh, Son of Ayodhyapratap Singh All residents of village Dharamapur, Tahsil Pratppur, District Surguja, M.P.
	Vs.	
RESPONDENTS	1.	The State of Madhya Pradesh, through Chief Secretary, Revenue Department, Vallabh Bhawan, Bhopal.
	2.	Additional Collector, Surguja.

Present : Smt. Renu Kochar, learned counsel for the petitioners.
Shri Yashwant Singh, learned Govt. Advocate for the State.

(ORAL ORDER)
(Passed on 20th March, 2006)

This writ petition is directed against the order of the Additional Collector, Surguja, 2nd respondent herein, marked as Annexure-P/7 dated 18-05-1992, cancelling Bhoomiswami grants made earlier in favour of the petitioners herein.

(2) Having heard learned counsel for the parties, I cannot take any exception to the impugned order of the Additional Collector, Surguja. Indisputably, a person in order to seek Bhoomiswami grant should possess less than 5 acres of land. The finding of the Additional Collector, Surguja is that on the date of grant each of the writ petitioners had held more than 5 acres of land.

(3) The petitioners 1 to 3 are the sons of one Shivmangal Singh, whereas petitioners 4 to 6 are the sons of one Ayodhyapratap Singh. Petitioners 1 to 3 and their father, on the relevant date, had held 19.891 hectares of land, whereas petitioners 4 to 6 and their father had held 18.851 hectares of land. In other words, each of the coparcener constituting two families had held more than 5 acres of land on the date of grant. The socio economic piece of legislation which is intended to bring about agrarian reforms in the country is required to be strictly construed and enforced. The persons who are not entitled to the benefits of law cannot be permitted to have advantages secured illegally. In that view of the matter, I am of the considered opinion that the Additional Collector, Surguja was justified in canceling the grants made earlier in favour of the petitioners on the wrong basis.

(4) In the result, the writ petition is dismissed. No costs.

Sd/-
Chief Justice